

AO 91 (Rev. 11/11) Criminal Complaint

Officer:

AUSA: Susan Fairchild

Jeremy J. Ferguson

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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Victor Manuel DENOVA

Case No.

Case: 2:21-mj-30556

Assigned To : Unassigned

Filed: 11/23/2021

CMP USA V DENOVA (LH)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 13th, 2021 in the county of Wayne in theEastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

Title 8, United States Code, 1326(a) & (b)(1).

Unlawful Reentry after removal from the United States

This criminal complaint is based on these facts:

On or about November 13th, 2021, at or near Detroit, Michigan, in the Eastern District of Michigan, Southern Division, Victor DENOVA an alien from Mexico was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about October 17th, 2008 at or near Hidalgo, Texas and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a) and (b)(1).

☒ Continued on the attached sheet.Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: November 23, 2021City and state: Detroit, Michigan

Complainant's signature

Jeremy J. Ferguson, CBP Officer

Printed name and title

Judge's signature

Kimberly Altman, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT


I, Jeremy J. Ferguson, being duly deposed and sworn states:

1. I am an Enforcement Officer with the United States Department of Homeland Security (DHS), Customs and Border Protection (CBP). I have been employed with the same for eighteen years. During my career as a law enforcement officer, I have been involved in various investigations and arrests concerning the re-entry of removed aliens and I have received training in this area.
2. The information set forth below is for the limited purpose of establishing probable cause. Therefore, this affidavit does not necessarily contain all the information collected during my investigation.
3. The defendant, Victor Manuel DENOVA is a forty-one-year-old male, native and citizen of Mexico, who last entered the United States at or near an unknown place, on or about an unknown date, without being admitted, inspected, or paroled into the United States by an immigration officer.
4. On November 13th, 2021, at the Ambassador Bridge Port of Entry, in Detroit, Michigan, DENOVA was encountered by CBP officers after the vehicle he was traveling in made a wrong turn onto the international bridge from Detroit. During a non-custodial interview in the secondary inspection lobby DENOVA admitted that he was previously deported from the United States and had re-entered the United States in 2013 illegally from Mexico.
5. DENOVA's fingerprints were queried through the Integrated Automated Fingerprint Identification System (IAFIS) and the Automated Fingerprint Identification System (IDENT) which resulted in matches to FBI number: XXXXX2CC9 and Fingerprint Identification Number (FIN) XXXXXX7554. Query of that FIN in the Enforce Alien Removal Module (EARM) resulted in a match to Alien File number XXX XXX 477.
6. On or about November 12th, 2002 DENOVA was convicted in the Rockville, Connecticut Superior Court of Assault -Second Degree in violation of Section 53a-60 of the Connecticut General Statutes (CGS); Breach of Peace in violation of Section

53a-181 of the CGS, and Carrying a Dangerous / Prohibited Weapon in violation of Section 53-206 of the CGS. He was sentenced to a total term of 3 years' jail (suspended) and a 3 year period of probation.


7. On or about September 24th, 2004, DENOVA was convicted in the Danielson, Connecticut Superior Court of Assault- First Degree in violation of Section 53a-59(a)(1) of the CGS and was sentenced to serve 5 years' with 10 years of special parole.
8. On or about July 3rd, 2008, an Immigration Judge in Hartford, Connecticut ordered DENOVA removed from the United States pursuant to Sections 212(a)(6)(A)(i), 212(a)(2)(A)(i)(I), and 212(a)(2)(B) of the Immigration and Nationality Act (INA), as amended, in that he was an alien present in the United States without admission or parole; that he had been convicted of a crime involving moral turpitude; and that he had been convicted of crime(s) with an aggregate sentence of five years or more. On or about October 17th, 2008 DENOVA was removed to Mexico via the Hidalgo, Texas Port of Entry by Immigration and Customs Enforcement (ICE).
9. On or about November 23rd, 2008 DENOVA was encountered by U.S. Border Patrol (BP) near Laredo, Texas. BP initiated a reinstatement of the previous removal order against him. He was then arrested and charged with Re-entry of Deported Alien in violation of Title 8 United States Code, Section 1326(a) and (b)(2). On or about February 12th, 2009, DENOVA pleaded guilty to that offense and was sentenced on or about October 5, 2009 to serve 48 months imprisonment.
10. On or about July 12th, 2012, the previous removal order against DENOVA was reinstated and he was removed to Mexico on or about July 17th, 2012, via Brownsville – Matamor, Texas by ICE.
11. On November 15th, 2021, I queried DENOVA through the Central Index System (CIS) and Computer Linked Application and Information Management System (CLAIMS). These databases are maintained by DHS and contain information relating to applications for immigration benefits and/or relief. Review of the records for DENOVA and queries in U.S. Department of Homeland Security databases confirm that no record exists of him obtaining permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal on October 17th, 2008.

12. I queried DENOVA through the Consular Consolidated Database (CCD), a database maintained by the Department of State which contains passport and visa applications and records. I found no record of DENOVA ever applying for or receiving a U.S. visa.
13. The aforementioned arrest (or apprehension) (and subsequent detention) was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
14. Based on the foregoing, there is probable cause to believe that, on or about November 13th, 2021, at or near Detroit, Michigan, in the Eastern District of Michigan, Southern Division, Victor Manuel DENOVA, an alien from Mexico was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about October 17th, 2008 at or near Hidalgo, Texas and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).



Jeremy J. Ferguson
Enforcement Officer
U.S. Customs and Border Protection

Sworn to before me and signed in
my presence and/or by reliable
electronic means, this 23 day of November 2021



Kimberly Altman
United States Magistrate Judge

Dated: November 23, 2021